

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2012 Legislative Session, Legislative Day No.: April 10, 2012

Resolution No.: 194

Introduced by: Mr. Bartlett, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO CONSIDER THE PETITION OF JEFFREY SMITH, STATION ROAD A/K/A CEDAR GROVE ROAD, ROYAL OAK, MARYLAND, TAX MAP 40A PARCEL 696, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A PORTION OF A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS PINE STREET

By the Council: April 10, 2012

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 8, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION TO CONSIDER THE PETITION OF JEFFREY SMITH, STATION ROAD A/K/A CEDAR GROVE ROAD, ROYAL OAK, MARYLAND, TAX MAP 40A PARCEL 696, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A PORTION OF A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS PINE STREET

1 **WHEREAS**, Jeffrey Smith, (the “Petitioner”) the current owner of property located on
2 Station Road a/k/a Cedar Grove Road, Royal Oak, Tax Map 40A, Parcel 696, Second
3 Election District, Talbot County, Maryland (the “Property”), has petitioned the County to
4 formally decline to accept an outstanding, unaccepted offer of dedication in and to a portion
5 of a certain platted but unimproved paper street described in said Petition, which is
6 incorporated by reference herein; and,

7
8 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as
9 follows:

10
11 **Section 1.** Upon introduction of this Resolution, a public hearing shall be scheduled, and the
12 date, time, place, and purpose of the public hearing shall be advertised at Petitioners’ expense
13 once a week for three successive weeks in a newspaper of general circulation in the County
14 in accordance with the requirements of Article 25A § 5 (B), Md. Ann. Code. The
15 advertisement shall state the terms of any proposed disposition, the compensation, if any, to
16 be received therefor, and shall give opportunity for objections thereto.

17
18 **Section 2.** The County shall conduct a public hearing, at which time the Petition will be
19 open for receipt and consideration of public comment. Upon receipt and consideration of
20 any recommendations from the Planning Commission and Public Works Advisory Board,
21 and recommendations by the Talbot County Department of Public Works and the Talbot
22 County Roads Department, conclusion of the public hearing(s), and closing of the record, the
23 County Council will consider the merits of the Petition.

24
25 **Section 3.** This Petition pertains to the following described property or interest in property:

26
27 Pine Street, a platted and unimproved paper street subject to a heretofore unaccepted
28 offer of dedication, (and the particular portion of said avenue that is the subject of this
29 Petition) is shown on a certain plat entitled “PART OF THE LAND OF Florence C.
30 Todd Surveyed For JAMES O. SIMMONS 2nd ELECT. DIST. TALBOT CO., MD.”,
31 prepared by J.R. McCrone, Jr., Inc., dated July, 1978, recorded among the Plat
32 Records of Talbot County, Maryland at Plat Book 47, page 40, and attached hereto as
33 Exhibit “A”. With regard to Pine Street, the Todd/Simmons Plat refers to a plat
34 entitled “MAP SHOWING REMAINDER OF E. P. HALL TRACT PURCHASED
35 BY WALTER D. TODD & WIFE AT THE VILLAGE OF NEWCOMB TALBOT

COUNTY, MARYLAND”, prepared by Kastenhuber and Anderson Civil Engineers and Surveyors, dated July 1947, recorded among the Plat Records of Talbot County, Maryland at Plat Book 2, page 116, and attached hereto as Exhibit “B”. The portion of the said Pine Street that is the subject of this Petition is shown on a plat (currently under review by Talbot County) entitled “PLAT SHOWING SUBDIVISION LOTS 2A & 2B ON THE LANDS OF JEFFREY SMITH TAX MAP 40A PARCEL 696 SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, prepared by Christopher Waters Professional Land Surveying, dated August 9, 2010, and attached hereto as Exhibit “C” and is more particularly described as follows:

BEGINNING at a point being on the westerly right of way line of Station Road being the southwest corner of the herein described paper street (Pine Street) and also being N 43°58'39" E a distance of 20.17' from an iron rod cap set which is the southwest corner of Lot 2A as shown on a plat prepared by Waters Professional Land Surveying, Inc., dated August 9, 2010, entitled “PLAT SHOWING SUBDIVISION LOTS 2A & 2B ON THE LANDS OF JEFFREY SMITH TAX MAP 40A PARCEL 696 SECOND ELECTION DISTRICT TALBOT COUNTY MARYLAND”, THENCE, leaving the westerly right of way line of Station Road and running within Lot 2A, (1) N 46°00'27" W a distance of 266.86' to a point on the easterly property line of the lands of Lawrence Albright (deed 1069 / 647); THENCE, running with the easterly property line of the said Albright lands, (2) N 29°57'00" E a distance of 30.92' to a point; THENCE, leaving the easterly property line of the said Albright lands and running within Lot 2A, (3) S 46°00'27" E a distance of 274.36' to a point on the westerly right of way line of Station Road; THENCE, running with the westerly right of way line of Station Road, (4) S 43°58'39" W a distance of 30.00' to a point and the place of beginning.

CONTAINING an area of 0.186 Acres of land more or less.

Section 4. The County finds that there would be no public purpose served by construction, operation or maintenance of a public road or alley at this location and hereby declines to accept the offer of dedication of the above-described portion of Pine Street. These findings and disposition are subject to the following conditions:

- (a) There are no drainage facilities or public utilities located in, upon, under, or through the above-described portion of Pine Street;
- (b) The Petitioner has granted or will grant a perpetual easement to the County, in form and content acceptable to the County, for drainage and utility easements adjacent to all public roads and roadways abutting, in, upon, or through the Property, as necessary to serve the Property or other properties in the area, if any;
- (c) The Petitioner shall prepare all deeds, surveys, plats, or other documents in a form satisfactory to the County, and pay the cost thereof, including without limitation all duplication and other costs associated with all instruments prepared pursuant to this Resolution;

79 (d) The Petitioner shall execute a “*Release, Waiver, and Indemnification*”.

80 **Section 5.** The President of the County Council is authorized to execute a Quitclaim Deed,
81 consistent with the terms of this Resolution, in form and content acceptable to the county
82 attorney, to be recorded at the Petitioner’s expense among the land records of Talbot County,
83 Maryland.

84 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
85 date of passage.

86

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran, Secretary

Pack	-
Hollis	-
Bartlett	-
Price	-
Duncan	-

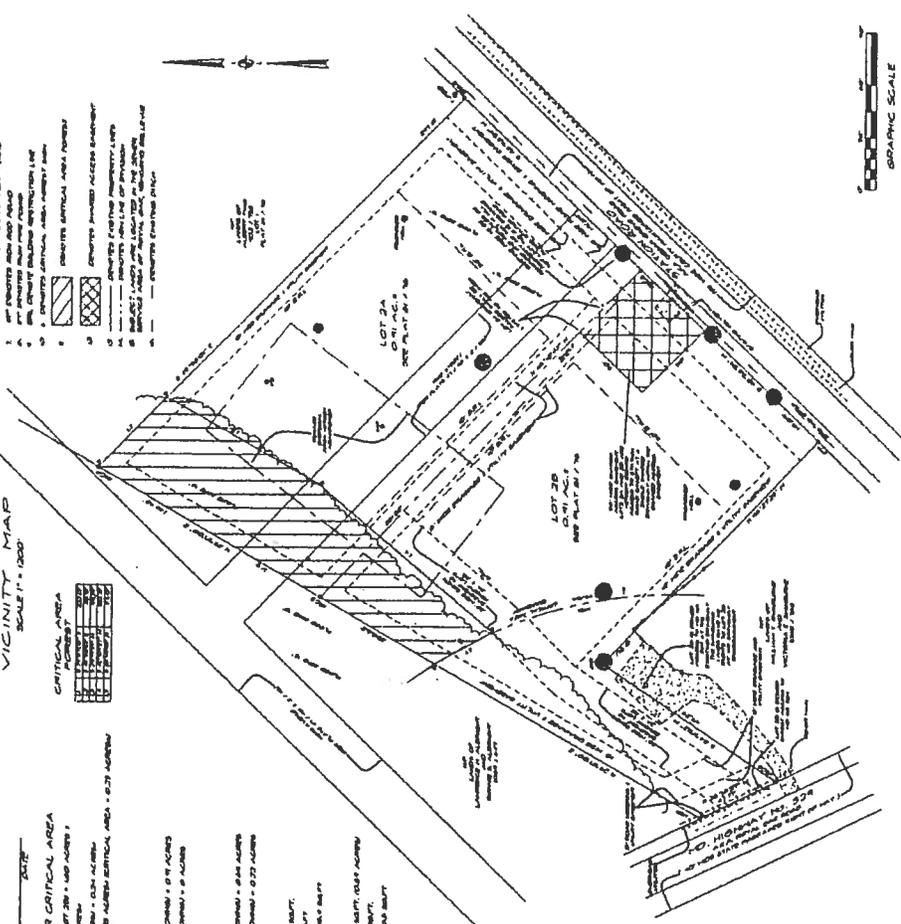
PLAT SHOWING SUBDIVISION
ON THE LANDS OF
JEFFREY SMITH
TAX MAP 40A PARCEL 698
SECOND SECTION DISTRICT WABOT COUNTY MISSISSIPPI

WATERS
Professional Land Surveyors

76410 Independence Road
Cordova, MS 39055
(601) 368-6444
www.watersurveyors.com

DATE	01/13/2017
BY	J. WATERS
PROJECT	LOT 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z
REVISIONS	REVISED 2/17/17 BY J. WATERS

- GENERAL NOTES:**
1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSISSIPPI SURVEYING ACT OF 1978 AND THE RULES AND REGULATIONS OF THE MISSISSIPPI BOARD OF SURVEYING.
 2. THE SURVEY WAS CONDUCTED USING THE FOLLOWING METHODS AND EQUIPMENT:



WATER AND SEWER:
LOT 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z ARE TO BE SERVED BY THE WABOT COUNTY WATER AND SEWER SYSTEM. THE WABOT COUNTY WATER AND SEWER DEPARTMENT HAS REVIEWED THIS PLAN AND HAS APPROVED THE LOCATION OF THE WATER AND SEWER LINES AND THE LOCATION OF THE WATER AND SEWER CONNECTIONS TO THE WABOT COUNTY WATER AND SEWER SYSTEM.

STORM WATER MANAGEMENT:
THE STORM WATER MANAGEMENT PLAN FOR THIS PROJECT HAS BEEN REVIEWED AND APPROVED BY THE WABOT COUNTY ENGINEERING DEPARTMENT. THE STORM WATER MANAGEMENT PLAN IS ATTACHED TO THIS PLAN AS A SEPARATE SHEET.

AREA CALCULATIONS LOT 2A
AREA OF LOT 2A = 6.14 ACRES
AREA OF LOT 2A WITH CRITICAL AREA = 6.14 ACRES
TOTAL CRITICAL AREA = 6.14 ACRES

AREA CALCULATIONS LOT 2B
AREA OF LOT 2B = 6.14 ACRES
AREA OF LOT 2B WITH CRITICAL AREA = 6.14 ACRES
TOTAL CRITICAL AREA = 6.14 ACRES

AREA CALCULATIONS LOT 2C
AREA OF LOT 2C = 6.14 ACRES
AREA OF LOT 2C WITH CRITICAL AREA = 6.14 ACRES
TOTAL CRITICAL AREA = 6.14 ACRES

ENVIRONMENT NOTE:
THE SURVEY AREA IS LOCATED WITHIN A CRITICAL AREA AS DEFINED BY THE MISSISSIPPI WETLANDS ACT OF 1976. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FORESTRY AND FISHERIES. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF ENVIRONMENT AND FORESTRY. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE.

LAND OWNER STATEMENT:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LAND OWNER OF THE LAND SHOWN ON THIS PLAN AND THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAN AND THAT I HAVE GIVEN MY CONSENT TO THE SURVEY AND THE SUBDIVISION OF THE LAND SHOWN ON THIS PLAN.

SURVEYOR STATEMENT:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF MISSISSIPPI AND THAT I HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE MISSISSIPPI SURVEYING ACT OF 1978 AND THE RULES AND REGULATIONS OF THE MISSISSIPPI BOARD OF SURVEYING.

CRITICAL AREA STATEMENT:
THE SURVEY AREA IS LOCATED WITHIN A CRITICAL AREA AS DEFINED BY THE MISSISSIPPI WETLANDS ACT OF 1976. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FORESTRY AND FISHERIES. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF ENVIRONMENT AND FORESTRY. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE.

ADVERSE TITLE STATEMENT:
THE SURVEYOR HAS CONDUCTED A REASONABLE SEARCH OF THE PUBLIC RECORDS AND HAS FOUND NO ADVERSE TITLE AFFECTING THE SURVEY AREA.

DEVELOPMENT RIGHTS STATEMENT:
THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FORESTRY AND FISHERIES. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF ENVIRONMENT AND FORESTRY. THE SURVEY AREA IS SUBJECT TO THE REGULATIONS OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE.

READING NOTE:
THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE SURVEYOR'S FIELD NOTES AND THE SURVEYOR'S FIELD BOOKS. THE SURVEYOR'S FIELD NOTES AND THE SURVEYOR'S FIELD BOOKS ARE ATTACHED TO THIS PLAN AS SEPARATE SHEETS.

BEFORE THE COUNTY COUNCIL FOR TALBOT COUNTY, MARYLAND

IN THE MATTER OF

* Station Road aka Cedar Grove Road
* Royal Oak, Maryland
* Tax Map 40A, Parcel 696,
* Second Election District,
* Talbot County, Maryland

THE PETITION OF
JEFFREY SMITH

PETITION OF JEFFREY SMITH REQUESTING TALBOT COUNTY COUNCIL TO
DECLINE UNACCEPTED OFFER OF DEDICATION OF PAPER STREET

1. The undersigned, Jeffrey Smith, (the "Petitioner"), by and through Patrick J. Fitzgerald and Ewing, Dietz, Fountain & Kehoe, P.A., his Attorneys, petitions the County Council of Talbot County, Maryland to formally decline to accept an outstanding, unaccepted offer of dedication in and to a portion of a certain platted but unimproved paper street known as Pine Street.

2. Petitioner is the owner of property located on Station Road a.k.a. Cedar Grove Road, Royal Oak, Tax Map 40A, Parcel 696, Second Election District, Talbot county, Maryland and shown on a Plat (currently under review by Talbot County) entitled "PLAT SHOWING SUBDIVISION LOTS 2A & 2B ON THE LANDS OF JEFFREY SMITH TAX MAP 40A PARCEL 696 SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND", prepared by Christopher Waters Professional Land Surveying, dated August 9, 2010, and attached hereto as Exhibit "A".

3. Pine Street, a platted and unimproved paper street subject to a heretofore unaccepted offer of dedication, (and the particular portion of said avenue that is the subject of this Petition) is shown on a certain plat entitled "PART OF THE LAND OF Florence C. Todd Surveyed For JAMES O. SIMMONS 2nd ELECT. DIST. TALBOT CO., MD.", prepared by J.R. McCrone,

Jr., Inc., dated July, 1978, recorded among the Plat Records of Talbot County, Maryland at Plat Book 47, page 40, and attached hereto as Exhibit "B". With regard to Pine Street, the Todd/Simmons Plat refers to a plat entitled "MAP SHOWING REMAINDER OF E. P. HALL TRACT PURCHASED BY WALTER D. TODD & WIFE AT THE VILLAGE OF NEWCOMB TALBOT COUNTY, MARYLAND", prepared by Kastenhuber and Anderson Civil Engineers and Surveyors, dated July 1947, recorded among the Plat Records of Talbot County, Maryland at Plat Book 2, page 116, and attached hereto as Exhibit "C". The portion of the said Pine Street that is the subject of this Petition is shown on Exhibit "A" identified hereinabove and is more particularly described as follows:

BEGINNING at a point being on the westerly right of way line of Station Road being the southwest corner of the herein described paper street (Pine Street) and also being N 43°58'39" E a distance of 20.17' from an iron rod cap set which is the southwest corner of Lot 2A as shown on a plat prepared by Waters Professional Land Surveying, Inc., dated August 9, 2010, entitled "PLAT SHOWING SUBDIVISION LOTS 2A & 2B ON THE LANDS OF JEFFREY SMITH TAX MAP 40A PARCEL 696 SECOND ELECTION DISTRICT TALBOT COUNTY MARYLAND", THENCE, leaving the westerly right of way line of Station Road and running within Lot 2A, (1) N 46°00'27" W a distance of 266.86' to a point on the easterly property line of the lands of Lawrence Albright (deed 1069 / 647); THENCE, running with the easterly property line of the said Albright lands, (2) N 29°57'00" E a distance of 30.92' to a point; THENCE, leaving the easterly property line of the said Albright lands and running within Lot 2A, (3) S 46°00'27" E a distance of 274.36' to a point on the westerly right of way line of Station Road; THENCE, running with the westerly right of way line of Station Road, (4) S 43°58'39" W a distance of 30.00' to a point and the place of beginning.

CONTAINING an area of 0.186 Acres of land more or less.

4. Petitioner avers that the paper street known as Pine Street is unimproved, that it does not now nor has it ever served the public or the owners in the subdivision where the same is located.

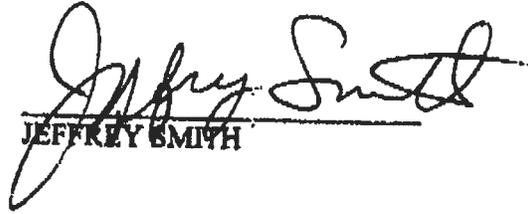
5. Petitioner avers that there would be no public purpose served by construction, operation or maintenance of a public road, alley, or thoroughfare at this location and it would be in the County's interest to formally decline to accept any outstanding offer of dedication concerning the above-described portion of Pine Street.

6. Pursuant to the requirements of Article 25A § 5 (B), Md. Ann. Code, Petitioner agrees to pay for and otherwise assure publication of an advertisement once a week for three successive weeks in one or more newspapers of general circulation published in Talbot County, Maryland, stating the terms of the proposed disposition, stating the compensation, if any, to be received by the County therefor, and giving opportunity for objections thereto. A copy of the proposed Notice to be published is appended hereto and made a part hereof.

7. In the event this Petition is granted, Petitioner, for himself and for his successors-in-interest or title to the Property, agrees to indemnify and hold the County harmless to the maximum extent permitted by law from any and all liabilities, damages, expenses, suits, actions, causes of action, demands, or judgments (collectively "Claim" or "Claims"), including payment of reasonable attorneys' fees, costs of defense, and investigation of any such Claim or Claims arising from or relating in any way from any decision to formally decline to accept the outstanding offer of dedication of the above-described portion of Pine Street. This indemnification and hold harmless agreement shall include, without limitation, the County's elected and appointed officials, directors, employees, agents, successors, assigns, and representatives.

WHEREAS, your Petitioner requests the County Council of Talbot County to formally determine and decide to decline to accept the outstanding offer of dedication concerning the

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING PETITION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.


JEFFREY SMITH

Counsel:


Patrick J. Fitzgerald
Ewing, Dietz, Fountain & Kehoe, PA
16 South Washington St
Easton, Maryland 21601
(410) 822-1988

LAND OWNER STATEMENT

I, the undersigned, being the owner of the above described land, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____

SALE/LOT STATEMENT

I, the undersigned, being the owner of the above described land, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____

NOTIONAL METLANDS DISCLAIMER

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

U.S. FISH AND WILDLIFE REVIEW

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

CELEBRATING AND ACID STATEMENT

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

CRITICAL AREA STATEMENT

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ADDITIONAL TRAIL STATEMENT

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DEVELOPER AND UTILITY AGREEMENT

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

NONCONFORMANCE NOTE

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

TREE CUTTING & CLEARING NOTE

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

FLOOD ZONE INFORMATION

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

CLASSIFICATION

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DEVELOPER RIGHTS STATEMENT

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GENERAL NOTES

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WATER AND SEWER

The information contained herein is not intended to constitute an offer of insurance or any other financial product. It is provided for informational purposes only. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

TRAIL STATEMENT

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TRAIL STATEMENT

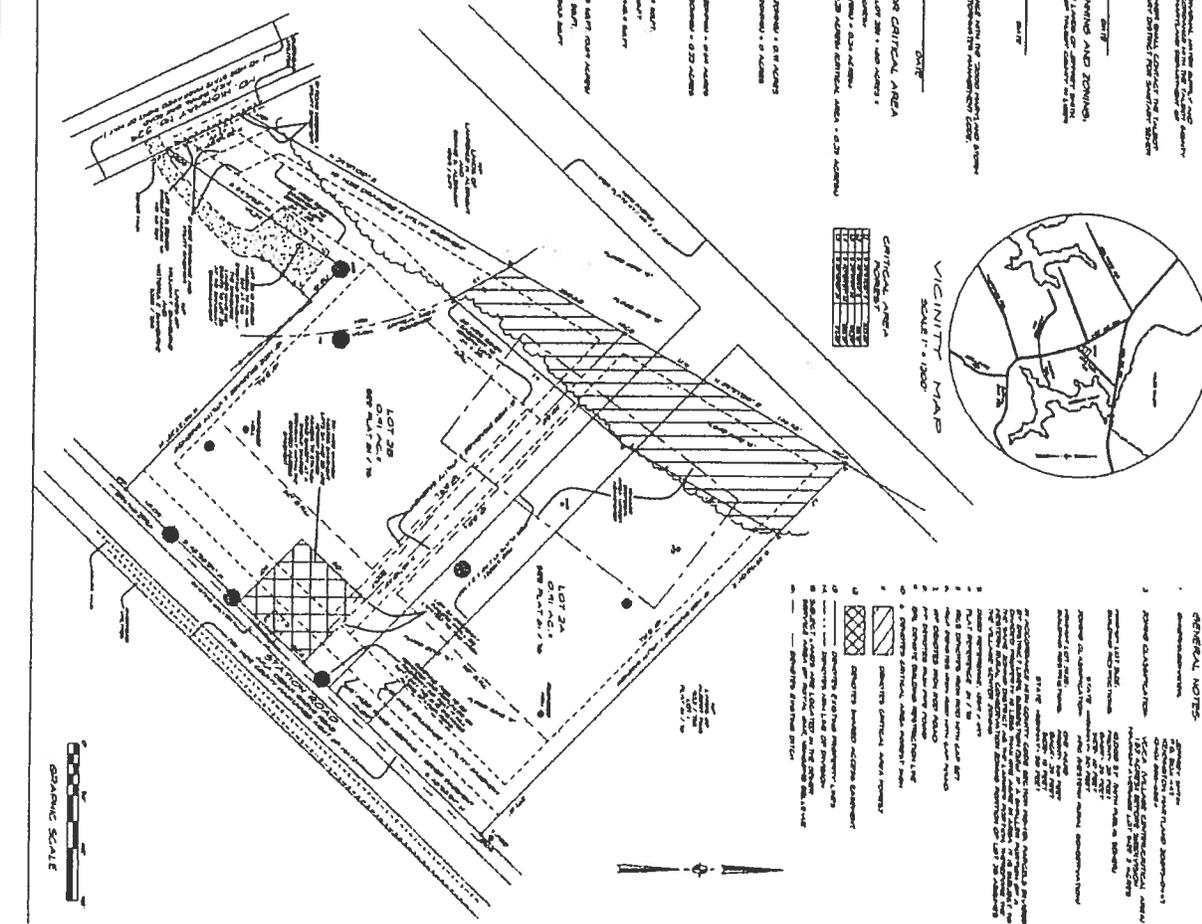
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PLAT SHOWING SUBDIVISION LOTS 2A & 2B ON THE LANDS OF JEFFREY SMITH TAX MAP 40A PARCEL 696 SECOND ELECTION DISTRICT TALBOT COUNTY MARYLAND

WATERS
Professional Land Surveying

29410 Dobbins-Curtis Road
Colesburg, MD 21728
(410) 814-3343, (toll-free) 800-541-9999
www.waterslandsurveying.com
Surveying
Eminent Domain
Construction
Boundary Surveys
Historic Districts
Other State Surveys

REVISED 3/11/17 PER COUNTY COMMENTS
REVISED 7/28/11 PER COUNTY COMMENTS

DATE: 8/13/10
SCALE: 1" = 20'

A

